

Docket No.: 20269/1201776-US2
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jay D. KRANZLER *et al.*

Confirmation No.: 4067

Application No.: 10/623,431

Group Art Unit: 1614

Filing Date: July 18, 2003

Examiner: Alicia R. HUGHES

For: METHODS OF TREATING FIBROMYALGIA
SYNDROME, CHRONIC FATIGUE
SYNDROME AND PAIN

INFORMATION DISCLOSURE STATEMENT

MS RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §§1.97 and 1.98, applicants respectfully request that the documents listed on the accompanying Form PTO/SB/08 be considered by the Examiner and made of record in the above-referenced application.

Identification of the listed documents is not to be construed as an admission of the applicants or attorneys for applicants that such citations are available as “prior art” against the subject application. If the Examiner applies the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute “prior art” under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of the documents. Applicants further reserve the right to take

appropriate action to establish the patentability of the disclosed invention over the listed documents, should the documents be applied against the claims of the present application.

Pursuant to 37 C.F.R. § 1.98(a)(2)(ii), copies of U.S. documents A1 – A10 listed on Form PTO/SB/08 are not being submitted.

Pursuant to 37 C.F.R. §1.78, Applicants note that the above-identified patent application may be related to the following U.S. Patent Applications:

- (1) U.S. Patent Application Serial No. 10/391,110, filed March 17, 2003;
- (2) U.S. Patent Application Serial No. 10/424,212, filed April, 24, 2003;
- (3) U.S. Patent Application Serial No. 10/504,435, filed December 7, 2004;
- (4) U.S. Patent Application Serial No. 10/678,767, filed October 3, 2003;
- (5) U.S. Patent Application Serial No. 11/535,237, filed September 26, 2006;
- (6) U.S. Patent Application Serial No. 11/752,213, filed May 22, 2007;
- (7) U.S. Patent Application Serial No. 11/835,590, filed August 8, 2007;
- (8) U.S. Patent Application Serial No. 11/835,620, filed August 8, 2007;
- (9) U.S. Patent Application Serial No. 12/035,820, filed February 22, 2008;
- (10) U.S. Patent Application Serial No. 12/125,302, filed May 22, 2008; and
- (11) U.S. Patent Application Serial No. 12/233,790, filed September 19, 2008.

This Information Disclosure Statement is submitted before the mailing date of a First Office Action on the merits after the filing of a Request for Continued Examination, as far as is known to the undersigned. Applicants believe that there is no fee required for this submission. However, if any fee is required, the Commissioner is hereby authorized to charge any fees to Deposit Account 04-0100.

Dated: January 23, 2009

Respectfully submitted,

By 

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